

SPECIAL ATTENTION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER CONSTRUCTION GENERAL PERMIT REQUIREMENTS

Contractors are advised that 40 CFR Part 122 applies to this project. This provision prohibits point source discharges of storm water associated with construction activity to water bodies of the United States without a National Pollutant Discharge Elimination System (NPDES) storm water construction general permit.

This project is eligible for coverage under the reissued NPDES Storm Water Construction General Permit for Storm Water Discharge, effective February 16, 2012, from construction sites which was published in the Federal Register (77 FR 12286, Pages 12286-12293) on Wednesday, February 29, 2012. Contractors shall prepare and submit a copy of the Environmental Protection Agency (EPA), Notice of Intent (NOI) via their website at least 14 days prior to commencement of construction on any site which will result in the disturbance of the land.

Other provisions of the General Permit requires a Storm Water Pollution Prevention Plan to be prepared, implemented, kept current, and maintained on the project site along with inspection reports; and when the project site has been finally stabilized and storm water discharges from construction activities have been eliminated, a Notice of Termination (NOT) must be prepared and submitted to the Environmental Protection Agency via their website.

An "active status" of the all submitted NOI's is required prior to commencing any work on the project.

On both the Notice of Intent (NOI) and the Notice of Termination (NOT) the information relative to the Facility Operator Information shall be that of the prime Contractor.

The Contractor must submit the NOI and NOT via the EPA website:

<http://cfpub.epa.gov/npdes/stormwater/cgpenoi.cfm>

07/29/08

Supersedes Spec. Att. dated 11/1/98; 8/25/1999

SPECIAL ATTENTION**REQUIRED PAINTING CONTRACTOR CERTIFICATION TO SSPC QP1 and QP2 FOR
BRIDGE PAINTING****Effective November 1, 1998**

All painting contractors and painting subcontractors to be used for painting structural steel bridges shall establish proof of competency and responsibility by being registered and certified in accordance with the requirements of the Painting Contractor Certification Program (PCCP) of the Steel Structures Painting Council (SSPC) of Pittsburgh, PA (contact Michael Damiano at tel. 412-281-2331).

Certification for QP1 is required for all painting projects. Certification for QP2 is also required for projects involving the removal or overcoating of lead-based paint.

This program is based upon SSPC QP1, "Standard Procedure for Evaluating Qualifications of Painting Contractors (Field Application to Complex Structures)", August 1, 1998 and SSPC QP2, "Standard Procedure for Evaluating Qualifications of Painting Contractors to Remove Hazardous Paint", August 1, 1995.

The painting contractor and painting subcontractor shall be certified by SSPC PCCP before the day of bid opening and shall maintain certification and certified representation on site throughout the duration of the project until final acceptance of the work.

03/22/12

SA

SSD: 6/7/94, 8/14/97, 3/17/98, 10/31/08, 07/06/10

SPECIAL ATTENTION

Four weeks prior to the start of casting of any precast and/or prestressed items specified below, the Contractor shall notify the Bureau of Materials and Research, Concrete Unit Supervisor (603-271-3151), of intent to start casting and advise them of the name and location of the manufacturer. This will allow the Department time to make arrangements for inspection. Items not documented as being inspected will not be accepted.

The following precast and/or prestressed items will have continuous inspection during casting: all bridge components; box culverts; permanent concrete barrier; special catch basins, drop inlets and manholes over six feet in diameter; concrete pipes greater than 72 inches in diameter; mechanically stabilized earth retaining walls, and precast concrete headwalls.

SPECIAL ATTENTION

HISTORIC AND ARCHAEOLOGICAL RESOURCES

In order to avoid impacts to archaeological resources, the Contractor shall obtain and submit to the Engineer a written certification from either: 1) the State Archaeologist, or 2) a qualified archaeologist as defined below prior to any offsite excavation or other work at any disposal site, haul road, storage area, staging area, or other areas located outside the right-of-way limits of the project. Such certification shall be made on one of the attached forms. One is intended for site clearance by the state archaeologist and the other for investigation by a qualified archaeologist. Any work in such areas may only commence after receipt of this certification and upon written authorization to proceed by the Engineer.

This Special Attention does not apply to natural materials obtained from pre-existing (i.e., owned and operated by the Contractor prior to bidding on the subject contract) and/or commercially available sources. Commercially available sources is meant to include licensed or permitted sources where anyone could purchase natural materials.

If the State Archaeologist determines that further field investigation is necessary the Contractor must decide whether to pursue alternative locations or to have the site(s) in question evaluated. If the latter is decided, it will be necessary for the Contractor and the Engineer to meet with the NHDOT Bureau of Environment, the Division of Historic Resources and the Federal Highway Administration to determine the appropriate course of action. Note that the latter parties meet twice a month on the first and second Thursdays of each month.

Professional Qualifications for Principal Investigators in Archaeological Investigations

All archaeologists contracting with NHDOT as principal investigators will be qualified for such work, as determined by NHDHR. **See list of qualified archaeological firms at www.nh.gov/nhdhr/consultants_archaeology.html.** According to NHDHR guidelines, principal investigators must meet the minimum standards presented in 36 CFR 61.

These regulations require a graduate degree in archaeology, anthropology, or related field; at least one year full-time professional experience or an equivalent period of training in archaeological research, administration, or management; at least four months of supervised field and analytical experience in general North American archaeology; and demonstrated capability to complete archaeological research through all its phases. These standards distinguish between the prehistorian and historical archaeologist. Each must have a specialization in his/her respective areas and at least one year of full-time professional experience at the supervisory level in the study of the Native American cultural traditions or the historic period.

NHDHR also requires the following additional qualifications. All prehistorians will have at least one year of supervisory experience in the region encompassing the glaciated Northeast. Historical archaeologist will have a least one year of supervisory experience in New England, New Jersey, New York, or Pennsylvania. Historical archaeologists specializing in submerged nautical resources will possess at least one year's experience in the study of such resources along the Atlantic seaboard. NHDOT requires that the principal investigator has successfully completed one or more projects in New Hampshire in a timely manner. Principal investigators will be knowledgeable about the federal and state cultural resources management laws and regulations including those relating to the treatment of human remains in marked and unmarked graves. As soon as research or initial investigations indicate the likely presence of Native American or historic deposits, a principal investigator with training and experience in that area shall supervise the work.

The principal investigator is responsible for each aspect of the project. The principal investigator will maintain sufficient presence in repositories, the field, and laboratory to set up the study, ensure appropriate collection and accurate documentation of data, direct needed modifications as investigations proceed, field-check accuracy of field data, establish and direct analysis, and oversee documentation and preparation of recommendations at its close. In phases II and III as the intensity of excavation increases, it is anticipated that this presence will proportionately rise. All research, field investigations, analysis, and report preparation will be completed within the schedule set in the authorization of work unless notification is given and adequate justification is provided to NHDOT.

Depending on the nature of the site, the prehistoric or historic archaeologist may require additional qualifications or additional personnel qualified in other fields that may not be specified under 36CFR61. For example, projects for NHDOT encounter situations in which personnel with expertise and/or demonstrated experience in geomorphology, botany, faunal analysis, forensic anthropology, and industrial and urban archaeology are needed. These individuals will possess graduate training in their field, two years of professional experience in the area of expertise for which they are being consulted, and the demonstrated ability to complete a research project with a report of findings. Principal investigators may also need to add architectural historians, historians, historical landscape architects, etc. to their team whose professional qualifications will follow those provided in 36 CFR 61.

CERTIFICATION BY NHDHR

For the purpose of compliance with the Special Attention, Historic and Archeological Resources, dated February 14, 2003, relative to Federal-Aid Highway Project No. _____, NHDOT Project No. _____, I certify the following:

1. That I have reviewed the maps, plats, photographs or other identifying geographical information supplied to me by the Contractor.
2. That the areas located on these maps, etc. are to be utilized by the Contractor _____ for the following purposes:
 - a. Excavation area _____.
 - b. Waste material area _____.
 - c. Storage or staging area _____.
 - d. Haul road _____.
 - e. Other (describe) _____

_____.
3. That I have reviewed the NHDHR site files relative to these locations and proposed uses.
4. On the basis of the above information, I have concluded that:
 - a. The location(s) have been previously reviewed, no resources have been identified, and there is no need for further archaeological evaluation _____.
 - b. The location(s) are such that no further archaeological evaluation is necessary _____.
 - c. The location(s) are such that further field investigation is necessary _____.

NHDHR Review and Compliance Coordinator

Date

Received:

NHDOT Contract Administrator

Date

cc: FHWA

NH Division of Historical Resources
NHDOT, Bureau of Environment

CERTIFICATION BY ARCHAEOLOGICAL CONTRACTOR

For the purpose of compliance with the Special Attention, Historic and Archeological Resources, dated February 14, 2003, relative to Federal-Aid Highway Project No. _____, NHDOT Project No. _____, I certify the following:

1. That I have examined the areas identified on the attached plans, maps, or property plats.
2. That these areas are to be utilized by the Contractor _____ for the following purposes:
 - a. Excavation area _____.
 - b. Waste material area _____.
 - c. Storage or staging area _____.
 - d. Haul road _____.
 - e. Other (describe) _____

 _____.
3. That I have used the following techniques in my examination:
 - a. Literature search _____
 - b. Walkover (describe methodology) _____

 - c. Subsurface testing (if appropriate) _____

4. That in my professional opinion, there is minimal or no likelihood that there are cultural resources (either historic or pre-historic) present or that any such resources present have integrity, and that there is no need for any other evaluative measures prior to the use of the areas described above for the purposes noted.

Archaeological Contractor

Date

Review by: _____
NHDHR Review and Compliance
Coordinator

Date

Received:

NHDOT Contract Administrator

Date

cc: FHWA
NH Division of Historical Resources
NHDOT, Bureau of Environment

SPECIAL ATTENTION

INVASIVE SPECIES

The statutory authority of NH Department of Agriculture RSA 430:55 and NH Department of Environmental Services RSA 487:16-a prohibits the spread of invasive plants listed on the NH Prohibited Species list. Construction activities should avoid impacting areas containing invasive plant species in order to avoid spreading these plants to new sites. If invasive plants cannot be avoided, then the following suggested best management practices (BMPs) should be incorporated into all projects. These BMPs have been summarized from the NHDOT manual "*Best Management Practices for Roadside Invasive Plants*."

Earthwork:

- Minimize soil disturbance whenever possible outside the limits of excavation.
- Stabilize disturbed soils by seeding and/or using mulch, hay, rip-rap, or gravel that is free of invasive plant material.
- Materials such as fill, loam, mulch, hay, rip-rap, and gravel should not be brought into project areas from sites where invasive plants are known to occur.

Movement of equipment:

- Equipment movement should be from areas not infested by invasive plants to areas infested by invasive plants whenever possible.
- Staging areas should be free of invasive plants to avoid spreading seeds and other viable plant parts.

Removing vegetation:

- In areas where invasive plants will be impacted by construction activities, vegetation should be cut or removed prior to seed maturation (approximately August 1st).
- These invasive plants have the ability to sprout from stem and root fragments: purple loosestrife, phragmites, and Japanese knotweed. Mowing these plants should be avoided. When these plants are cut by other means, all plant material must be destroyed and extra care should be taken to avoid spreading plant fragments.
- Equipment used to cut or remove invasive plants should be cleaned at least daily, as well as prior to transport.

The NHDOT manual "*Best Management Practices for Roadside Invasive Plants*" and supporting fact sheet documents are available on line at www.nh.gov/dot/bureaus/environment/documents.htm or through the NHDOT Records Section (603-271- 1601).

Items will be included in the contract under Sections 201 or 697 for projects that will require these control methods.

02/15/11

SSD: 2/1/2001;03/03/04,05/13/04

SPECIAL ATTENTION

TRAFFIC CONTROL DEVICES CRASH WORTHINESS COMPLIANCE WITH NCHRP REPORT 350 AND MASH

The American Association of State Highway and Transportation Officials (AASHTO) recently published the Manual for Assessing Safety Hardware (MASH). The main objective of MASH is to present uniform guidelines for the crash testing of both permanent and temporary highway safety features and evaluation criteria to assess test results. The need for updated crash criteria was based primarily on the changes to the vehicle fleet since the publication of National Cooperative Highway Research Program (NCHRP) Report 350.

IMPORTANT: Any hardware that was designed, tested and accepted prior to January 1, 2011 under the National Cooperative Highway Research Program (NCHRP) Report 350 criteria may continue to be used without retesting. As of January 1, 2011, all new or revised highway safety hardware must be tested or retested and accepted using MASH criteria.

Hardware tested under MASH should be considered for use but there is no requirement to use or replace hardware that was accepted prior to January 1, 2011 under NCHRP Report 350.

The following is a summary of work zone traffic control devices categories, and their crash testing acceptance requirements, titled "Recommended Procedures for the Safety Performance Evaluation of Highway Features," testing and evaluation criteria as implemented by the AASHTO-FHWA Agreement (350 Agreement) dated July 1, 1998. These categories and associated requirements also apply to newly designed or revised devices that would now fall under MASH testing criteria.

Category I: Small, lightweight devices that are known to be crash-worthy from crash testing or years of demonstrable safe operational performance. These include plastic or rubber cones, tubular markers, flexible delineators, and plastic drums with no lights, batteries, signs, etc. added. For devices to be included in this category there must be virtually no potential that they will penetrate windshields, cause tire damage, or have a significant effect on the control or trajectory of an impacting vehicle. These devices will be allowed based upon developers self certification.

Category II: Devices that are not expected to produce significant vehicular velocity change, but may be otherwise hazardous. All or parts of the devices may be substantial enough to penetrate a windshield or injure a worker or they may cause instability when driven over or become lodged under a vehicle. The total mass of a Category II device must be less than 45 kg. Examples of this category are barricades, portable sign supports, intrusion detectors and alarms and drums, vertical panels, or cones with lights.

Category III: Devices expected to cause significant velocity change or other potentially harmful reactions in impacting vehicles and Category II devices with a mass greater than 45 kg. Examples of this category are Truck-mounted attenuators (TMA), portable crash cushions and Portable concrete barrier (requires appropriate sized pin and loop or better connection).

Category IV: Crashworthy installations of Category IV devices are encouraged, though not mandated. Examples of this category are portable, usually trailer mounted devices such as area light supports, flashing arrow panels/arrows displays, temporary traffic signals and changeable message signs. However, these types of devices combined with TMA are considered Category III devices.

All category I, II, and III project work zone traffic control devices in use, except portable concrete barrier that transfers tension and moment from segment to segment, shall conform to the testing and evaluation criteria as outlined above. Devices not conforming to the criteria shall be replaced with conforming devices at no expense to the Department.

SPECIAL ATTENTION**SECTION 606 – GUARDRAIL****W-BEAM RAIL**

There may be situations where standard beam guardrail, set at 30 inches high, will need to be connected to beam guardrail terminals that have only been crash tested at 27 inches high or bridge approach units that are designed at 27 inches high. This may reflect an existing or new installation. Similarly, new standard beam guardrail may be connected to existing beam guardrail that is not at the 30 inch height. In those circumstances transition the height over 50 feet of the standard rail that is connected to the terminal or bridge approach unit (transition shall be subsidiary to 606 Items).

Set the EAGRT heights according to the manufacturer's recommendation, as accepted under the NCHRP 350 or Manual for Accepting Safety Hardware -2009 (MASH) criteria. All other terminals, including but not limited to ELT, MELT, and the CRT, shall be set at the crash acceptance height of 27-inch unless otherwise accepted under crash test acceptance for a higher height. .

04/12/12

SA

Supersedes Spec. Attn. dated 1/7/00, 3/22/00, 6/14/00, 2/8/01, 4/2/01, 1/25/02, 4/1/02, 04/15/03, 04/20/04, 05/06/05, 05/19/06, 09/17/07, 06/12/08, 03/04/09, 08/26/09, 06/28/10, 07/01/11

SPECIAL ATTENTION

QUALIFIED PRODUCTS LIST

The Qualified Products List is published on an annual basis. Occasionally additional revisions occur. The current Qualified Products List, **Issue 2012-1**, may be purchased at the Bureau of Highway Design, Records Section, located at 7 Hazen Drive, Concord, NH 03302, Tel: (603) 271-3514 for a fee of \$5.00. Checks should be made payable to Treasurer, State of New Hampshire. The Qualified Products List is also available online at www.nhdot.com under the *Doing Business with DOT* link.

December 24, 1998
Supersedes Spec. Attn. dated 3/29/88 & 12/5/90

FHWA Projects

SPECIAL ATTENTION

**CONTRACT AFFIDAVIT - CERTIFICATION REGARDING DEBARMENT
SUSPENSION**

The separate form entitled, CONTRACT AFFIDAVIT (As Required by Section 112(c) of Title 23 USC) has been deleted from this proposal.

Bidders are advised that the last page of the bidding proposal has been revised to include the same reference, **IN BOLD PRINT**, relative to the non-collusion statement included on the discontinued form.

X X X X X X X X X X X X X X X

The Contractor is advised that 49 CFR 29.510, Appendix A, requires that the Contractor, including all principals, certify that they are not currently under debarment or suspension or have not been under debarment or suspension within the past three years. (For certification instructions see next page).

The certification has been added, **IN BOLD PRINT**, onto the next to the last page of the bidding proposal.

The Contractor is further advised that Appendix B of 49 CFR 29.510 regarding certification of lower tier transactions has been added to Form FHWA-1273.

Appendix A - Certification regarding Debarment, Suspension, and other Responsibility Matters -
Primary Covered Transactions.

Instruction for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification" Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

1/2001
Supersedes 3/90
ALL FA PROJECTS

SPECIAL ATTENTION

LOBBYING

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

SUBJECT: LIMITATION ON USE OF GRANT OR CONTRACT FUNDS FOR LOBBYING

The lobbying restrictions were established by Section 319 of Public Law 101-121 (Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990).

The law prohibits Federal funds from being expended by the recipient or any lower tier subrecipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the awarding of any Federal contract, the making of any Federal grant or loan, or the entering into of any cooperative agreement. The extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement is also covered.

Federal-aid contractors, and consultants, as well as lower tier subcontractors and subconsultants are also subject to the lobbying prohibition. To assure compliance, a certification provision is included in all Federal-aid construction solicitations and contracts, and consultant agreements exceeding \$100,000 in Federal funds.

The Contractor shall be aware that by signing and submitting this proposal, he or she is attesting to the requirements of the certification provisions.

During the period of performance of a grant or contract, recipients and subrecipients must file disclosure form (Standard Form LLL) at the end of each calendar year quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any previously filed disclosure form.

Lower tier certifications should be maintained by the next tier above (i.e., prime contractors will keep the subcontractors' certification on file, etc.). Copies of Standard Form LLL will be included in the subcontract package for distribution to successful bidders.

ALL FA PROJECTS (STEEL & IRON PRODUCTS)

SPECIAL ATTENTION**BUY AMERICA**

In accordance with the **BUY AMERICA** requirements of the Federal regulations, all manufacturing processes for steel and iron materials furnished for permanent incorporation into the work on this project shall occur in the United States. The only exception to this requirement is the production of pig iron and the processing, pelletizing and reduction of iron ore, which may occur in another country. Other than these exceptions, all melting, rolling, extruding, machining, bending, grinding, drilling, coating, etc. must occur in the United States.

Products of steel include, but are not limited to, such products as structural steel, piles, reinforcing steel, structural plate, steel culverts, guardrail and steel supports for signs, signals and luminaires. Products of iron include, but are not limited to, such products as cast iron frames and grates. Coatings include, but are not limited to, the applications of epoxy, galvanizing and paint. The coating material is not subject to this clause, only the application process.

A Certificate of Compliance, conforming to the requirements of Section 106.04, shall be furnished for steel and iron materials. Records to be maintained by the contractor for this certification shall include a signed mill test report and a signed certification by each supplier, distributor, fabricator, and manufacturer that has handled the steel or iron product affirming that every process, including the application of a coating, performed on the steel or iron product has been carried out in the United States of America, except as allowed by this Special Attention. The lack of these certifications will be justification for rejection of the steel or iron product.

The requirements of said law and regulations do not prevent a minimal use of foreign steel and iron materials if the cost of such materials used does not exceed one-tenth of one percent (0.1%) of the total contract price or \$2,500.00, whichever is greater.

Upon completion of the project, the Contractor shall certify in writing as to compliance with this Special Attention and also provide the total project delivered cost of all foreign steel and/or iron permanently incorporated into the project. The form for this certification is entitled "Buy America Certificate of Compliance" and can be found at www.NHDOT.com.

SPECIAL ATTENTION

SUMMARY OF REQUIREMENTS FOR FEDERAL-AID PROJECTS

1. Subletting On Federal-aid Contracts.

- a. On Federal-Aid projects, the following documents are required to be incorporated in and made a part of every subcontract agreement (including lower-tier subcontract agreements):

- NH DOT Policy on Subcontracting
- Required Contract Provisions (FHWA-1273)
- Disadvantaged Business Enterprise (DBE) Policy (SPECIAL ATTENTION item)
- DBE Program Requirements (Standard Spec 103.06)
- *41 CFR 60-4.2 – Solicitations
- *41 CFR 60-4.3 – Equal Opportunity Clauses
- Payroll/Wage Requirements Summary
- **U.S. Department of Labor wage rates entitled “GENERAL WAGE DECISION” (as contained in the contract)

*Applicable only to contracts or subcontracts in excess of \$10,000

**Does not apply to Material Suppliers, unless performing work on site

- b. Contractors shall not be approved/authorized to work until the Department's Annual Assurances requirements have been fulfilled.
- c. In accordance with Form FHWA 1273, Required Contract Provisions, Section I, Paragraph 2, the Prime Contractor shall be responsible for compliance by any subcontractor or lower-tier subcontractor. This shall include any unpaid wages found to be owed that is not paid by a subcontractor or lower-tier subcontractor.
- d. Municipally Managed Projects Only: NH DOT Office of Federal Compliance is the sole approval authority for all Municipally managed construction projects. Consents to sublet shall be submitted directly to the Office of Federal Compliance.

2. **FHWA Form 1273, Required Contract Provisions.** The Department will furnish copies of the Required Contract Provisions, notices, report forms, Acknowledgment Certification and Transmittal Requests for subcontractor approval to the apparent low bidder following bid openings.
3. **OFC Form 1, Monthly Employment Utilization Report.** Contractors performing \$10,000 or more work on Federal-aid construction projects are required to submit a completed Monthly Employment Utilization Report, OFC Form 1, on a monthly basis. Reports will be sent directly to the NHDOT Office of Federal Compliance no later than the 15th of each month for any such month work is performed. When the 15th falls on a weekend or a holiday, the completed report is due no later than the next business day. Prime Contractors are responsible for the collection and submission of monthly utilization reports for all subcontractors and lower-tier subcontractors.

4. **Temporary Suspensions.**

- a. Any Contractor, Subcontractor, or Lower-tier Subcontractor found to be in violation of FHWA Form 1273, Required Contract Provisions, made part of its contract, or has failed to comply with OFC Field Audit requirements, shall be required to take corrective action before participating in future projects funded by the Department. Corrective action shall include, but is not limited to, the submission of certified payrolls or other records and reports necessary to verify compliance with the Provisions.
- b. Any Contractor, Subcontractor or Lower-tier Subcontractor found to have repeatedly violated the FHWA Form 1273, Required Contract Provisions, may be required to complete 4-hours of Federal Contract Compliance Training conducted by the NH DOT Office of Federal Compliance. When mandated, a principal owner and/or company executive and his/her payroll accountant shall attend. Federal Contract Compliance Training must be completed before participation on future projects is authorized. This requirement does not relieve the Contractor of its obligations under the prime contract, nor does it prevent the Department from seeking other remedies or enforcement action, as provided by the governing Rules, Laws, and Federal Regulations.
- c. Companies are notified of suspensions in writing. Actions the company must take to have participation privileges restored will be clearly indicated. Companies will also be advised that if a satisfactory response is not received within 30 days of receipt of the suspension notice, the company will be considered "non-responsive." In cases where companies are non-responsive, and unpaid wages on the part of the subcontractor or lower-tier subcontractor are involved, the matter will then be deferred to the Prime Contractor for payment of wages as provided in Form FHWA 1273, Required Contract Provisions, Section I, Paragraph 2.

5. **Right To Withhold Payments.** The Department may withhold payments claimed by the Contractor on account of:

- a. Failure of the Contractor to make payments to Subcontractors for materials or labor.
- b. Regulatory non-compliance or enforcement.
- c. Failure to comply with NH DOT Office of Federal Compliance Field Audit Report requirements.
- d. Failure to comply with monthly reporting requirements, as applicable.
- e. For projects with an OJT requirement, failure to submit OJT 1, On-The-Job Training Acknowledgement and Statement of Intent within 30 days of the project start date.
- f. Failure to submit closeout documentation.
- g. All other causes that the Department reasonably determines negatively affect the State's interest.

6. **Final Payment Release.** Once final project records are transferred to the NH DOT Office of Federal Compliance, a final review shall be performed to determine compliance with the Federal provisions. Release of any final payment shall not be made to the Contractor until the Office of Federal Compliance issues a payment release letter (ok to pay) certifying:

- a. All required payrolls, labor, and EEO documentation have been received and deemed complete and correct.
- b. DBE requirements stipulated in the Contract and/or the Required Contract Provisions have been fulfilled.

7. **Deposits and Escrows:** Every attempt is made to complete compliance actions and resolve any disputes before the project is completed and final payments are made. Sometimes, however, corrective actions or disputes continue after completion and provisions must be made to ensure that funds are available to pay any wage restitution that is ultimately found due. In these cases, the project can proceed to final closing provided the Prime Contractor, from payments already provided him/her, provides written evidence a deposit of an amount equal to the potential liability for wage restitution and liquidated damages, if applicable, has been deposited in a *escrow account*. When a final decision is rendered, the Prime Contractor makes disbursements from the account in accordance with the decision. Deposit/escrow accounts are established for one or more of the following reasons:

- a) Where the parties have agreed to amounts of wage restitution that are due but the employer has not yet furnished evidence that all the underpaid workers have received their back wages. The deposit is equal to the amount of restitution due to workers lacking payment evidence. As proper documentation is received, an amount corresponding to the documentation is returned to the depositor. Amounts for any workers who cannot be located are held in the escrow account for three (3) years. Amounts remaining in the account not disbursed by the end of this three-year period shall be returned to the Prime Contractor.
- b) Where underpayments are suspected or alleged and an investigation has not yet been completed. The deposit is equal to the amount of wage restitution and liquidated damages, if applicable, that is estimated to be due. If the final determination of wages due is less than the amount estimated and placed in the escrow account, the escrow will be reduced to the final amount and the difference will be returned to the depositor. If the parties agree to the investigative findings, the amounts due to workers will be disbursed from the escrow account in accordance with the schedule of wages due. Amounts for unfound workers will be retained for a period of three (3) years and subsequently disbursed to the depositor as described above in Paragraph 7a.
- c) Where the parties are waiting for the outcome of an administrative hearing that has been or will be filed contesting a final determination of wages due. The deposit shall be equal to the amount of wage restitution and liquidated dates, if applicable, that have been determined to be due. Once the final decision is rendered, disbursements from the escrow account are made in accordance with the decision.

Direct questions relating to any of the information above to the NH DOT Office of Federal Compliance (603-271-6752).

SPECIAL ATTENTION

DISADVANTAGED BUSINESS ENTERPRISE POLICY

Disadvantaged Business Enterprise Policy. It shall be the policy of the New Hampshire Department of Transportation (NHDOT) to ensure nondiscriminatory opportunity for Disadvantaged Business Enterprises (DBE's) to participate in the performance of all contracts and subcontracts financed with Federal funds as specified by the regulations of the United States Department of Transportation (USDOT), Federal Highway Administration and as set forth below.

1. Policy. It is the policy of the United States Department of Transportation to ensure nondiscriminatory opportunity for disadvantaged business enterprises, as defined in 49 Code of Federal Regulation (CFR) Part 26, to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. Consequently, the DBE requirements of 49 CFR Part 26 applies to this contract.

2. Disadvantaged Business Enterprise (DBE) Obligation. The State and its Contractors agree to ensure nondiscriminatory opportunity for disadvantaged business enterprises, as defined in 49 CFR Part 26, to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. **Each subcontract the prime contractor signs with a subcontractor must include this assurance:** *The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the NHDOT deems appropriate.*

3. Sanctions of Non-Compliance. The Contractor is hereby advised that failure of the Contractor, or any Subcontractor performing work under this contract, to carry out the requirements set forth in paragraphs 1 and 2 above shall constitute a breach of contract and, after notification of the United States Department of Transportation, may result in termination of this contract or such remedy as the State deems appropriate.

Disadvantaged Business Enterprise (DBE) Program Goals. The New Hampshire Department of Transportation is required to set an overall DBE goal for participation in all transportation related Federal-aid projects. The goal is determined following guidelines set forth in 49 CFR 26.45, and based on the availability of ready, willing and able DBE's who submitted bids for transportation related projects, compared as a percentage of all available contractors who submitted bids for transportation related projects during the same time period. The DBE goal may be adjusted to take into account other factors impacting DBE utilization, in an effort to narrowly tailor the overall DBE goal. The detailed goal setting methodology and current overall DBE goal may be viewed on the NHDOT website at www.nh.gov/dot.

The NHDOT currently utilizes a race/gender neutral policy to fulfill its overall DBE goals, and relies on the voluntary participation of contractors to utilize certified DBE's on every project sufficient to obtain the Departments overall DBE goal. In order for this practice to continue, contractors must be proactive and solicit bids and quotes from certified DBE's for use when submitting their own bids, and employ certified DBE's when participating on transportation related projects. Otherwise, the Department may have to implement specified contract goals on all projects to ensure the overall DBE goals are met. The Department may include specific DBE contract goals in certain cases to ensure DBE participation, if failure to obtain the project DBE goal would negatively impact the Departments overall DBE goal because of the size of the contract.

Disadvantaged Business Enterprise (DBE) Definition. A DBE is defined as a business that is owned and controlled by one or more socially and economically disadvantaged person(s). For the purpose of this definition:

- (1) "Socially and economically disadvantaged person" means an individual who is a citizen or lawful permanent resident of the United States and who is a Woman, Black, Hispanic, Portuguese, Native American, Asian American, or a member of another group, or an individual found to be disadvantaged by the Small Business Administration pursuant to Section 3 of the Small Business Act.
- (2) "Owned and controlled" means a business which is:
 - (a) A sole proprietorship legitimately owned and controlled by an individual who is a disadvantaged person.
 - (b) A partnership, joint venture or limited liability Company in which at least 51% of the beneficial ownership interests legitimately is held by a disadvantaged person(s).
 - (c) A corporation or other entity in which at least 51% of the voting interest and 51% of the beneficial ownership interests legitimately are held by a disadvantaged person(s).

The disadvantaged group owner(s) or stockholder(s) must possess control over management, interest in capital, and interest in earnings commensurate with the percentage of ownership. Disadvantaged participation in a joint venture must also be based on the sharing of real economic interest and must include proportionate control over management, capital, and earnings, as above. If the disadvantaged group ownership interests are real, substantial and continuing and not created solely to meet the requirements of this program, a firm is considered a bona fide DBE. A current listing of certified DBEs that may wish to participate in the highway construction program and the scope of work for which they are certified may be viewed at <http://www.nh.gov/dot/business/contractors.htm>

Certified DBE Directory. The current New Hampshire Unified Disadvantaged Business Enterprise (DBE) Directory is available online at www.nh.gov/dot/business/contractors.htm. This directory contains all currently certified DBE's available for work in New Hampshire, and is updated monthly. Only firm's listed in this directory are eligible for DBE credit on NH Federal-aid projects. If you have questions about DBE certification, or do not have access to the Internet, please call the DBE Coordinator at (603) 271-6612 for assistance.

Counting DBE Participation Towards Project Goals. In order for DBE contractor payments to be counted toward DBE goals, the DBE contractors must perform a commercially useful function (CUF). The DBE must be responsible for execution of the work of the contract and must carry out its responsibilities by actually performing, managing, and supervising the work involved, consistent with standard industry practices.

This means that:

- The DBE must also be responsible for ordering its own materials and supplies, determining quantity and quality, negotiating price, installing (where applicable) and paying for the material itself;
- The DBE must perform work commensurate with the amount of its contract;
- The DBE's contribution cannot be that of an extra participant or a conduit through which funds are passed in order to obtain the appearance of DBE participation;
- The DBE must exercise responsibility for at least fifty percent of the total cost of its contract with its own work force;

- None of the DBE's work can be subcontracted back to the prime contractor, nor can the DBE employ the prime's, or other subcontractor's supervisors currently working on the project;
- The DBE's labor force must be separate and apart from that of the prime contractor or other subcontractors on the project. Transferring crews between primes, subcontractors, and DBE contractors is not acceptable;
- The DBE owner must hold a Public Works license and any other professional or craft licenses required for the type of work he/she performs on the project;
- The DBE may rent or lease, at competitive rates, equipment needed on the project from customary leasing sources or from other subcontractors on the project.

Allowable credit for payments made to DBEs for work performed. A contractor may take credit for payments to a certified DBE that satisfies (CUF) requirements at the following rate.

- A. A DBE Prime Contractor; count 100% of the value of work performed by own forces, equipment and materials count towards DBE goals.
- B. An approved DBE subcontractor; count 100% of the value of work performed by the DBE's own forces, equipment and materials, excluding the following:
 - The cost of materials/supplies purchased from the Prime Contractor.
 - The value of work provided by non-DBE lower tier subcontractors, including non-DBE trucking to deliver asphalt to a DBE contractor.
- C. A DBE owner-operator of construction equipment; count 100% of expenditures committed.
- D. A DBE manufacturer; count 100% of expenditures committed. The manufacturer must be a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Contractor.
- E. A regular DBE dealer/supplier; count 60% of expenditures committed.
A regular dealer/supplier is defined as a firm that owns, operates, or maintains a store, warehouse or other establishment, in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. A person may be a dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business, if the person both owns and operates distribution equipment for the products, by the means of a long term agreement, and not by a contract by contract basis.
- F. A DBE Broker; count for DBE credit only the fees or commissions charged for assistance in the procurement, or, fees and transportation charges for the delivery of materials or supplies required at the job site, but not the cost of materials procured.
A broker is defined as any person(s) or firm who arranges or expedites transactions for materials or supplies, and does not take physical possession of the materials or supplies at their place of business for resale.
- G. A DBE renter of construction equipment to a contractor; count 20% of expenditures committed, with or without operator.
- H. A bona fide DBE service provider; count 100% of reasonable fees or commissions.
Eligible services include professional, technical, consultant, or managerial, services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for the performance of the contract.
Eligible services also include agencies providing bonding and insurance specifically required for the performance of the contract.
- I. A trucking, hauling or delivery operation, count 100% of expenditures committed when trucks are owned, operated, licensed and insured by the DBE and used on the contract and, if applicable, includes the cost of the materials and supplies. 100% of expenditures committed when the DBE leases trucks from another DBE firm including an owner-operator. 100% of reasonable fees, or

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commissions, the DBE receives as a result of a lease arrangement for trucks from a non-DBE, including an owner-operator.

- I. Any combination of the above.

Prompt payment to subcontractors. Standard Specifications for Road and Bridge Construction, Section 109.09, Payments to Subcontractors:

“Within 21 days of the issuance of progress payments, the Contractor shall pay, in full, all subcontractors and suppliers for the value of satisfactorily completed work and materials placed under the contract and for materials in accordance with 109.09 or 109.08 paid for in the progress payments. If the Contractor withholds any portion of payment from a subcontractor, the Contractor shall, within the same timeframe, demonstrate to and obtain acknowledgement from the NHDOT Compliance Review Officer that the Contractor has reasonable cause that the subcontractor failed to satisfactorily complete work, or portions thereof; or that the supplier failed to provide materials as specified above. When the Contractor is found in noncompliance with this specification, sanctions will be imposed as determined by the Department.

For the purposes of this Section, satisfactorily completed means:

The subcontractor has fulfilled the Contract requirements including the submission of all documentation required by the Specifications and the Contract.”

Reporting Requirements for Payments Made To DBE's: On all Federal-aid projects, the Prime Contractor is required to report payments made to DBE's during the life of the contract, on a quarterly basis, for the periods covering January 1st–March 31st, April 1st–June 30th, July 1st–September 30th and October 1st–December 31st. The NHDOT will provide the Contractor with a quarterly DBE payments report, detailing all DBE's subcontracted by the Contractor, per project. The Contractor shall report any payments made to DBE's during the requested reporting period. This documentation shall be submitted to the Office of Federal Compliance within the time period stated on the NHDOT quarterly request. Failure of the Contractor to submit this information may result in the Department withholding progress payments.

Removal of Approved DBE From Transportation Related Project: Contractors may not terminate for convenience, any approved DBE subcontractor and perform the work with their own forces, without prior written consent from the NHDOT.

On Federal-aid projects which specify a DBE contract goal in the Information Report, Bidders during the bidding stage and the low Bidder after the opening of the bids, shall make every reasonable good faith effort to use certified disadvantaged business enterprises for work to be performed under the proposed Contract. In addition, the following is also required on Federal-aid projects, which specify a DBE contract goal.

Within 3 working days after the bid opening date, the low Bidder shall file with the NHDOT Office of Federal Compliance, a Disadvantaged Business Enterprise (DBE) Commitment Form provided by the Department. This form will list the DBE firms that will be used during the execution of the Work. The name and address of the firm, the item numbers and description of work to be completed or materials supplied, and the estimated dollar value of DBE participation. The estimated dollar value of each DBE commitment shall be totaled and a percentage determined. In addition to the commitment form, letters of intent signed by principals of the low bidder and each DBE firm listed, shall be submitted prior to Department approval of the DBE commitment.

If the low bidder cannot provide the list and accepted letters of intent showing DBE participation in the Work, within the above time frame, the Contractor may request additional time through the Department's DBE Coordinator to comply or to provide written documentation of efforts to obtain participation.

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Acceptable documentation showing all good faith efforts made to obtain participation may be reason to waive the goal requirement of the project.

Failure to provide the required listing with the dollar participation total or acceptable documentation of good faith efforts to obtain DBE participation within 3 working days after the bid opening date, or by another deadline established by the DBE Coordinator will be considered a lack of responsiveness on the part of the low bidder.

The submission and approval of the above forms does not constitute a formal subcontract. If for any reason during the progress of the Work the Contractor finds that DBEs included on the list are unable to perform the proposed work, the Contractor, with written approval from the Department, may substitute other DBE firms for those named on the list. If the Contractor is able to clearly document his inability to find qualified substitute firms to meet the project goal, the Contractor may request in writing a waiver of that goal.

If at any time during the life of the Contract it is determined that the Contractor is not fulfilling the goal or commitment(s) and is not making a good faith effort to fulfill the DBE requirement, the Department may withhold progress payments. Failure of the Contractor to meet the project goal or the specified DBE commitment(s), whichever is the lowest, will result in a reduction in Contract payment by an amount equal to the difference between the actual Contract dollars multiplied by the applicable commitment percentage and the dollar value of the work actually performed by the DBEs. If the Contractor's failure to meet the DBE goal or commitment(s) in the Contract is the result of circumstances clearly documented to be beyond the control of the Contractor, a written request for waiver of the goal or commitment(s) must be received. The Office of Federal Compliance may waive, in whole or part, the reduction in contract payments specified herein. Fulfillment of the goal percentage shall be determined by dividing the dollars committed to the DBEs by the actual contract dollars.

SPECIAL ATTENTION

**STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION,
STANDARD PLANS FOR ROAD CONSTRUCTION & BRIDGE DETAIL SHEETS**

This project will be constructed under the requirements of the 2010 Standard Specifications for Road and Bridge Construction and the 2010 Standard Plans for Road Construction, which have been adopted and will be utilized for projects advertising after September 1, 2010.

For Bridge Standard Plans, Bridge Design will include the appropriate standard plans, now referred to as Detail Sheets, in the plan set that pertain to the specific project, as necessary.

The Standard Specifications for Road and Bridge Construction and the Standard Plans for Road Construction manuals are available for purchase from NHDOT Records Section (603-271-3514) or can be viewed on the NHDOT website: <http://www.nh.gov/dot/business/contractors.htm>. The Specification Book and the Standard Plans are located under the *Standards and Specifications* heading while the Bridge Detail Sheets are located under the *Plans and Details* heading.

04/10/12

SSD: 10/08/10, 11/04/10, 09/21/11, 09/29/11, 01/12/12

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SPECIAL ATTENTION**ERRATA SHEET**

The following table is a list of corrections to the 2010 *Standard Specifications for Road and Bridge Construction*, as of the date of this Proposal.

Section	Description	Correction	Date
<i>DIVISION 100</i>			
<i>DIVISION 200</i>			
<i>DIVISION 300</i>			
<i>DIVISION 400</i>			
401.3.11.1.4	Temperature of Pavement over Membrane	Reference to 538.3.5 should be 538.3.3.5 .	01/12/12
<i>DIVISION 500</i>			
520.2.1.4.1.1	Fly Ash and Ground Granulated Blast Furnace Slag	Reference to 2.2.4.3 should be 2.1.4.1.3.	
520.2.6.3.1	Portland Cement Concrete	Update reference from AASHTO M148 to ASTM C309	11/01/10
520	Item 520.0302 – Concrete Class AA Approach Slabs (QC/QA)	Add Final Pay designation (F)	01/28/11
563	Bridge Rail	Add Item 563.233 Bridge Rail T2 w/ Snow Screening (F) - LF (LM)	10/08/10
565	Bridge Approach Rail	Remove final pay designation (F) from 565 Items	10/08/10
<i>DIVISION 600</i>			
603	Culverts and Storm Drains	English and Metric Pipe Examples Should read: 603.821 __ __ " (mm) Polyethylene Pipe (Type C) 603.822 __ __ " (mm) Polyethylene Pipe (Type S)	10/08/10
606.2.6.6	Guardrail	Water repellent (Silane/Siloxane) shall conform to Section 534	11/04/10
608.2.2.2	Sidewalks	Correct reference from 534.2.2 to 534.2.1	09/29/11
619.3.1.9	Maintenance of Traffic	Correct reference from 104.07 to 104.03	10/08/10
624.1.4	Railroad Protection	Correct reference from 104.11 to 104.07	10/08/10
644.3.6.1	Grass Seed	Correct reference from 104.13 to 104.09	10/08/10
645	Erosion Control	Delete Item 645.2	10/08/10
646.5.3	Turf Establishment	Delete	10/08/10
699.5.2.4	Miscellaneous Temporary	Correct reference from 104.13 to 104.09	10/08/10

Section	Description	Correction	Date
	Erosion and Sediment Control		

01/15/12

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SSD: 09/01/10, 10/05/10, 12/01/10, 02/08/11, 03/07/11, 04/21/11, 09/06/11, 10/02/11

SPECIAL ATTENTION**THIS PROJECT IS TO BE BID AND CONSTRUCTED UNDER THE
2010 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION****NOTICE OF SUPPLEMENTAL SPECIFICATIONS**

The following table is a list of all of the Supplemental Specifications that have been adopted as additions or revisions to the *Standard Specifications for Road and Bridge Construction, August 2010* Edition as of the date of this Proposal. The Bidder is responsible to examine each item to determine its effect, if any, upon the Contract.

Note: Due to the limited scope of some projects, not all Supplemental Specifications will be included in all Proposals. All Supplemental Specifications are available on-line: www.nh.gov/dot/org/projectdevelopment/highwaydesign/specifications/.

Section	Description	Revision	Last Revision Date	Current Revision Date
<i>DIVISION 100</i>				
108.09	Failure to Complete on Time	Liquidated Damages Chart		10/05/10
109.04	Differing Site Conditions, Changes and Extra Work	Regional Adjustment Factor	03/12/10	09/01/10
109.09	Payments to Subcontractors	Prompt Payment		09/06/11
<i>DIVISION 200</i>				
<i>DIVISION 300</i>				
<i>DIVISION 400</i>				
<i>DIVISION 500</i>				
520.3.1.3.2.1(k)	Portland Cement Concrete	Performance Requirements (QC/QA) - Ceramic or Porcelain Dishes		12/01/10

DIVISION 600

618	Training Requirements for Uniformed Officers and Flaggers	Delete and Add revised Description, Equipment, and Construction Requirements sections		01/04/12
632	Retroreflective Pavement Markings	Delete 632.3.2.8.1 & 632.3.2.8.2		03/07/11
644	Grass Seed – Slope Seed (WF) Type 45 Mix	Amend 2.3		10/02/11
698*	Field Facilities (Computer Specification/ Scanner)	Amend 2.2.1 & 2.2.2	04/21/11	01/15/12

* Supplemental will not be included if there is no Field Office item in the Contract.

**NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY
EMPLOYMENT OF NEW HIRES**

The following is a list of the local State Employment Security Office's from which the Contractor may secure the unskilled labor for this project is:

Department of Employment Security
151 Pleasant Street, PO Box 159
Berlin, NH 03570-0159
Telephone: (603) 752-5500

Department of Employment Security
404 Washington Street, PO Box 180
Claremont, NH 03743-0180
Telephone: (603) 543-3111

Department of Employment Security
10 West Street, PO Box 1140
Concord, NH 03302-1140
Telephone: (603) 228-4100

Department of Employment Security
518 White Mountain Hwy.
Conway, NH 03818-4205
Telephone: (603) 447-5924

Department of Employment Security
109 Key Road
Keene, NH 03431-3926
Telephone: (603) 352-1904

Department of Employment Security
426 Union Avenue, Suite 3
Laconia, NH 03246-2894
Telephone: (603) 524-3960

Department of Employment Security
85 Mechanic Street
Lebanon, NH 03766-1506
Telephone: (603) 448-6340

Department of Employment Security
646 Union Street, Suite 100
Littleton, NH 03561-5314
Telephone: (603) 444-2971

Department of Employment Security
300 Hanover Street
Manchester, NH 03104-4957
Telephone: (603) 627-7841

Department of Employment Security
6 Townsend West
Nashua, NH 03063-1217
Telephone: (603) 882-5177

Department of Employment Security
2000 Lafayette Road
Portsmouth, NH 03801-5673
Telephone: (603) 436-3702

Department of Employment Security
29 South Broadway
Salem, NH 03079-3026
Telephone: (603) 893-9185

Department of Employment Securities
6 Marsh Brook Road
Somersworth, NH 03878
Telephone: (603) 742-3600

06/24/08

Supercedes: 9/11/06, 12/5/90

WAGE RATES**FEDERAL AID PROJECTS**

This proposal contains minimum wage determinations as specified by the U.S. Secretary of Labor. Copies of the attached wage determination(s) shall be posted on the bulletin board at the work site and furnished to employees upon request. Furthermore, the wage determination(s) shall be incorporated into all subcontract agreements.

If the Contractor, any subcontractor or lower-tier contractor intend to employ a classification of labor not listed in the attached determination(s), it shall submit a Request for Additional Work Classification(s) to the New Hampshire Department of Transportation, Labor Compliance Office at (603) 271-2467. The Contractor is responsible for ensuring that a Request is submitted for any additional classification of work to be employed by itself, any subcontractor or lower-tier contractor 3-4 weeks before the classification is utilized.

This contract is subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

02/17/11

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SSD: 12/3/79, 4/10/80, 11/19/82, 5/9/83, 12/7/90, 12/20/96, 07/14/04, 09/01/05, 08/06/07, 01/07/09, 04/15/09 & 11/30/09, 05/12/10

April 16, 2012

SPECIAL ATTENTION

FUEL ADJUSTMENT

(a) The shortage of all products in relation to the national and worldwide energy situation has made future costs of fuel unpredictable. For this reason, a price adjustment clause is being inserted in this contract to provide for either additional compensation to the Contractor or payment to the State, depending upon an increase or decrease in the price of fuel.

(b) The fuel usage factors, which will be applied to the several items of the Contract shall be those set forth in Table 1.

(c) Price adjustment will be based upon the quantity of fuel incorporated in the work as determined by the factors in Table 1.

When the monthly sales price determined per paragraph (f) is more than 110% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 110% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].

When the monthly sales price determined per paragraph (f) is less than 90% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 90% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].

(d) The Contractor warrants that its bid prices for this Contract include no allowances for any contingency to cover increased costs for which adjustment is provided herein.

(e) The fixed base price of fuel will be:

\$ 3.8043 per gallon on English Projects.

\$ 1.0051 per liter on Metric Projects.

This price is used solely to compute price adjustments. The fuel price will be the lower bulk retail price of **ultra low sulfur diesel fuel** for Boston as published by the Journal of Commerce and will include current Federal and State taxes.

(f) The monthly sales price of fuel will be determined by the Department on the 15th calendar day of each month. When the 15th calendar day falls on a Sunday, the price on the first business day following the 15th calendar day will be utilized. Monthly sales prices will be set in the same manner as indicated in paragraph (e).

(g) The price adjustment, when such adjustment is called for as provided in paragraph (c), will be made subsequent to the month in which the work was accomplished.

(h) No price adjustment will be allowed beyond the Project completion date unless there is a Department-approved extension of time. Price adjustments will be made on quantities adjusted as a result of the final audit.

(i) The Department will not be responsible for computing or otherwise indicating price adjustments except to the prime contractor, which must make its own arrangements with its subcontractors.

(j) When no item for Fuel Adjustment is included in the Contract no adjustments will be made.

Pay item and unit:

1010.15	Fuel Adjustment ¹	\$
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¹ Not a bid item.

Table 1 - FUEL FACTORS

Item of Work	Item No.	Units	Fuel	
Excavation:				
Earth	203.1_,4_	gal/c.y.	0.26	
	203.50_,.51_,.52_	(liters/m ³)	(1.29)	
	203.6_,.7_			
	206.1_			
	207.1_			
	504.1_			
Rock	203.2_	gal/c.y.	0.34	
	206.2_	(liters/m ³)	(1.68)	
	207.2_			
	504.2_			
Other	203.3_	gal/c.y.	0.31	
	206.3_	(liters/m ³)	(1.54)	
	207.3_			
	583._			
	585._			
	586._			
	587._			
Bases:				
Unprocessed	209._	gal/c.y.	0.46	
	304.1_,.2_	(liters/m ³)	(2.28)	
Processed	304.3_	gal/c.y.	0.82	
	304.4_,.5_,.6_	(liters/m ³)	(4.06)	
	508._			
Bituminous Concrete				
Pavement ²	403._	gal/ton	1.90	
	411._	(liters/t)	(7.93)	
All Other Items:		gal/\$1,000 of work (liters/\$1,000 of work)	13.0 (49.2)	
Excluded Items: ³				
210._	510.61_	560._	565.2_	645.7_
211._	510.65_	561._	568._	692._
306.31_	528._	563.1_	592._	698._
306.32_	544._	563.2_	603.0001	8_._
410._	548._	563.3_	618._	10_._
510.31_	550.1_	563.7_	619._	
510.41	550.2_	565.7_	624._	

² Item 403.4 & 403.6 shall be calculated using the "All Other Items" category rate.

³ Also excluded are all supplementary agreements, extra work and per specification items.

04/16/12

SSD: 7/30/75, 5/9/83, 12/5/84, 2/12/92, 10/19/93, 5/9/94, 1/26/95,
12/30/96, 02/24/97, 12/08/08, 4/15/09, 01/01/12

April 16, 2012

SPECIAL ATTENTION

ASPHALT CEMENT ADJUSTMENT

All bid items involving asphalt concrete mixtures (except items 403.4 & 403.6) listed in Sections: 403, Hot Bituminous Pavement and 411, Plant Mix Surface Treatment; containing asphalt cement will be subject to a price adjustment. This adjustment will take effect when the monthly price for asphalt cement as furnished by the Bureau of Materials and Research differs from the base price contained in the proposal.

The price adjustment will be based on the percent of virgin asphalt cement stated in the Approved Mix Design containing the maximum percentage of reclaimed asphalt pavement. In the event of breakdown or unforeseen circumstances other than weather, an Approved Virgin Mix Design may be used. The price adjustment will then be based on the total percent of virgin asphalt cement in that approved design.

The **base price*** of asphalt cement for this Contract is:

\$ 647.50 per ton on English Projects.

\$ 713.55 per metric ton on Metric Projects.

* Source: The base price is developed from data published in the *Asphalt Weekly Monitor*, a publication from Poten and Partners, Inc. (Applies to contracts advertised after January 1, 2012)

The **monthly price** of asphalt cement will be furnished by the Bureau of Materials and Research on the first business day following the 14th calendar day of each month.

The contract prices of Hot Bituminous Pavement, Recycled Bituminous Pavement and Plant Mix Surface Treatment will be paid under the respective items in the contract. The price adjustment, as provided herein, upwards or downwards, will be made at the end of each month in which the work was accomplished as follows:

A contract adjustment will be made under Item 1010.2 based on; [monthly price minus the base price] X [Approved Mix Design percent of virgin asphalt cement] X [tons of pavement used].

When no item for Asphalt Cement Adjustment is included in the contract no adjustments will be made.

Item 1010.2	Asphalt Cement Adjustment ¹	Dollar
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¹ Not a bid item